

Atlantic Richfield Company

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VIA FEDEX AND EMAIL

Mr. Dave Seter
Remedial Project Manager
U.S. Environmental Protection Agency - Region 9
75 Hawthorne Street, SFD-9-1
San Francisco, CA 94105

**Subject: Anaconda Copper Mine Site, Yerington, Lyon County, Nevada, Site ID #09GU
Domestic Well Monitoring Program ("DWMP") and Bottled Water Program ("BWP")**

Dear Dave:

This letter is in follow-up to my October 28, 2016 email and your October 25, 2016 letter regarding Atlantic Richfield Company's ("ARC") written request that EPA approve certain modifications to the domestic well monitoring program ("DWMP") and bottled water program ("BWP") following extension of City of Yerington municipal water service to domestic water users north of the mine site.

ARC requested confirmation from EPA that domestic well monitoring and bottled water deliveries could be terminated for all properties now receiving City water pursuant to the *Roeder* settlement. EPA agreed that further monitoring is no longer necessary. You also stated that EPA verified that the City's water system is operating in compliance with applicable drinking water standards, and, accordingly, bottled water did not need to be provided to these properties. Atlantic Richfield appreciates EPA's confirmation, although we disagree that compliance by the City of Yerington with Safe Drinking Water Act requirements is relevant to whether ARC is responsible for bottled water deliveries as part of the CERCLA response action.

Your letter states that ARC should have consulted with EPA before implementing changes to the DWMP and BWP. As previously noted, ARC, EPA, and the Nevada Division of Environmental Protection have been discussing these changes for at least several months, including in multiple technical meetings, conference calls, and written correspondence. The issue also came up as ARC was providing information to EPA relating to the completed *Roeder* settlement beginning in early 2013. We had documented the modifications to both programs in our monthly progress reports as wells were being disconnected or abandoned, and we reasonably assumed that EPA was in agreement. In the past, ARC consistently stopped monitoring when domestic wells were taken out of service or when residences were connected to alternative water sources. Going forward, ARC will distribute notice letters informing property owners who received City water connections that we will no longer require access to their property to perform domestic well monitoring and will stop providing bottled water after the end of 2016. The notice letters will inform recipients that EPA concluded that monitoring and bottled water are no longer necessary.

ARC also requested EPA's confirmation that the approximately 95 properties now receiving treated domestic water from the Yerington Paiute Tribe ("YPT") municipal system can be removed from the DWMP and BWP. This topic has similarly been discussed previously with EPA on several occasions. Atlantic Richfield reiterates its request, which makes logical sense for several reasons. First, the YPT

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system relies on advanced treatment technology to remove the background contaminants and ensure delivery of water that meets applicable drinking water standards. Second, most of the residents currently receiving ARC-provided bottled water and who are served by the YPT system do not even have domestic wells included in the DWMP. Third, ARC's Background Groundwater Quality Assessment (Rev. 3, Nov. 11, 2016), confirms that the northernmost extent of mine-impacted groundwater is south (upgradient) of Campbell Lane and the YPT reservation. EPA's technical review team agrees with this delineation (see Sept. 2, 2016 Memo from R. Ford, B. Butler, and S. Acree). And fourth, requiring ongoing monitoring and bottled water deliveries for YPT water customers will not serve the objectives of the DWMP and BWP and is inconsistent with NCP, as explained in my September 1 letter.

Finally, your October 25 letter states that additional discussion between EPA and ARC is warranted because: (i) not all wells previously identified for domestic well monitoring have been sampled as part of the DWMP; (ii) not all properties previously deemed eligible for bottled water accepted it; and (iii) some properties included in the DWMP and BWP have not accepted City of Yerington water system extensions. ARC agrees that we should discuss how these issues affect the future direction of the DWMP and BWP. That said, we do not believe that the results of further domestic well monitoring should determine whether groundwater on a particular property has been impacted by releases from the mine site and, therefore, whether interim measures are needed to ensure access to good quality drinking water. Extensive groundwater characterization work has now been completed as part of the OU-1 RI. The results of that investigation (not domestic well monitoring) should be used in determining the nature and extent of the mine-impacted plume. Domestic well monitoring and bottled water deliveries should not be required for properties located outside the area of mine-impacted groundwater, even if they are not being serviced by the City's or the YPT's municipal systems. For properties inside the plume, ARC is continuing to work with residents who, for one reason or another, did not accept City water system connections. We have tentative agreements with several property owners and expect that most of the remaining domestic wells will be abandoned or converted to outdoor use in the near future.

As directed by EPA, ARC will continue to perform domestic well monitoring and provide bottled water for the remaining eligible properties in the DWMP and BWP until the wells are taken out of service or until EPA and ARC agree on an alternative approach. We look forward to holding further discussions with EPA on these issues in the coming weeks.

Sincerely,



Jack Oman
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cc: Harry Ball, EPA
Dante Rodriguez, EPA
Chris Dirscherl, EPA
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